

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE (REV. 7-2005)		ATTORNEY'S DOCKET NUMBER RECP:112 US
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/563,499
INTERNATIONAL APPLICATION NO. PCT/EP04/50765	INTERNATIONAL FILING DATE 05/12/2004	PRIORITY DATE CLAIMED 07/05/2003
TITLE OF INVENTION WAFER INSPECTION DEVICE		
APPLICANT(S) FOR DO/EO/US HALAMA, Michael; KREH, Albert; SCHMIDT, Guenter		
<p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <ol style="list-style-type: none"> <li><input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li><input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li><input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.</li> <li><input type="checkbox"/> The US has been elected (Article 31).</li> <li><input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2))             <ol style="list-style-type: none"> <li><input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li><input type="checkbox"/> has been communicated by the International Bureau.</li> <li><input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li><input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).             <ol style="list-style-type: none"> <li><input type="checkbox"/> is attached hereto.</li> <li><input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li><input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))             <ol style="list-style-type: none"> <li><input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li><input type="checkbox"/> have been communicated by the International Bureau.</li> <li><input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li><input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li><input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).</li> <li><input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).</li> <li><input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).</li> <li><input type="checkbox"/> A copy of the International Preliminary Examination Report (PCT/IPEA/409).</li> <li><input type="checkbox"/> A copy of the International Search Report (PCT/ISA/210).</li> </ol> <p>Items 13 to 23 below concern document(s) or information included:</p> <ol style="list-style-type: none"> <li><input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li><input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li><input type="checkbox"/> A <b>FIRST</b> preliminary amendment.</li> <li><input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li> <li><input type="checkbox"/> A substitute specification.</li> <li><input type="checkbox"/> A power of attorney and/or change of address letter.</li> <li><input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</li> <li><input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li> <li><input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).</li> <li><input checked="" type="checkbox"/> Express Mail Label No. EV 915496002 US</li> </ol>		

U.S. APPLICATION NO (if known, see 37 CFR 1.5) <b>10/563,499</b>	INTERNATIONAL APPLICATION NO. <b>PCT/EP04/50765</b>	ATTORNEY'S DOCKET NUMBER <b>RECP:112 US</b>
23. Other items or information: <b>Receipt postcard</b> <b>Certificate of Mailing by Express Mail</b> <b>Copy of Notification of Missing Requirements Under 35 U.S.C. 371</b> <b>Statement Asserting Small Entity Status</b>		
The following fees have been submitted:		
24. <input type="checkbox"/> Basic national fee .....		<b>\$300</b>
25. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)... All other situations...		<b>\$0</b> <b>\$200</b>
26. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)... Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority... International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB... All other situations...		<b>\$0</b> <b>\$100</b> <b>\$400</b> <b>\$500</b>
<b>TOTAL OF 24, 25 and 26 =</b>		<b>\$0.00</b>
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(i)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.		<b>\$0.00</b>
Total Sheets - 100 =	Extra Sheets 0 /50 =	Number of each additional 50 or fraction thereof (round up to a whole number) 0
		RATE x \$250.00
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		<b>\$0.00</b>
CLAIMS Total claims	NUMBER FILED - 20 =	NUMBER EXTRA 0
		RATE x \$50.00
Independent claims	- 3 =	0
		x \$200.00
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/>		+ \$360.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>		<b>\$0.00</b>
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.		<b>\$65.00</b>
<b>SUBTOTAL =</b>		<b>(\$65.00)</b>
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		<b>\$0.00</b>
<b>TOTAL NATIONAL FEE =</b>		<b>(\$65.00)</b>
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property		<b>\$80.00</b>
<b>TOTAL FEES ENCLOSED =</b>		<b>\$145.00</b>
		Amount to be refunded: \$
		Amount to be charged: \$

08/29/2006 ATRAN1 00000095 10563499

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65.00 OP

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☒ A check in the amount of \$ **\$145.00** to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. **50-0822**. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Howard M. Ellis  
Registration No. 25,856  
SIMPSON & SIMPSON, PLLC  
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Williamsville, New York 14221  
716-626-1564-Telephone  
716-626-0366-Facsimile



SIGNATURE

Howard M. Ellis

NAME

25,856

REGISTRATION NUMBER

August 24, 2006

DATE

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**Applicant(s): **Michael HALAMA et al.**

Docket No.

**RECP:112US**

Application No.

**10/563,499**

Filing Date

**01/04/2006**

Examiner

**unknown**

Customer No.

**24041**

Group Art Unit

**unknown**Invention: **WAFER INSPECTION DEVICE**

I hereby certify that the following correspondence:

**Reply to Notification of Missing Requirements and corresponding documents***(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

**August 24, 2006***(Date)***Amy Burrows***(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)***EV 915496002 US***("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**

**IN THE UNITED STATES PATENT AND TRADEMARK  
OFFICE**

U.S. Application No. 10/563,499

Applicant: Michael HALAMA et al.

International Application No. PCT/EP04/50765

International Filing Date: 05/12/2004

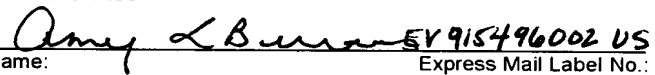
Filed: January 4, 2006

For: WAFER INSPECTION DEVICE

Customer No.: 24041

**Certificate of Mailing by Express Mail**

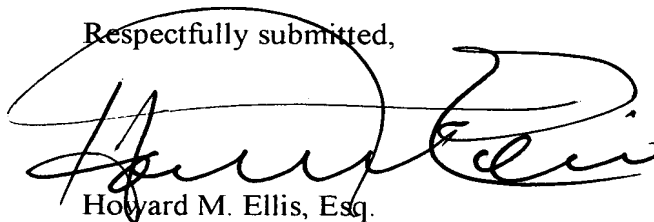
I certify that this Assertion of Small entity status is being deposited on August 24, 2006 with the U.S. Postal Service as "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 and is addressed to Commissioner of Patents, PO Box 1450, Alexandria, VA 22313-1450

  
Name: Amy L. Burman Express Mail Label No.: 915496002 US

**AFFIRMATION OF SMALL ENTITY STATUS -UNDER 37 CFR §1.27(c)**

This letter is to confirm that the above named Applicant is entitled to small entity status in connection with the above-identified application for purposes of paying reduced fees in the United States Patent and Trademark Office.

Respectfully submitted,



Dated: August 24, 2006

Howard M. Ellis, Esq.  
Registration No. 25,856  
Attorney of Record  
Simpson & Simpson, PLLC  
5555 Main Street  
Williamsville, NY 14221-5406  
Telephone No. 716-626-1564  
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov



U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/563,499	Michael Halama	RECP:112 US

**RECEIVED**

24041  
SIMPSON & SIMPSON, PLLC  
5555 MAIN STREET  
WILLIAMSVILLE, NY 14221-5400

JUN 30 2006

**SIMPSON & SIMPSON**

INTERNATIONAL APPLICATION NO.	
PCT/EP04/50765	
I.A. FILING DATE	PRIORITY DATE
05/12/2004	07/05/2003

**CONFIRMATION NO. 8286**  
**371 FORMALITIES LETTER**



Date Mailed: 06/28/2006

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/04/2006
- English Translation of the IA filed on 01/04/2006
- Copy of the International Search Report filed on 01/04/2006
- Preliminary Amendments filed on 01/04/2006
- Information Disclosure Statements filed on 01/04/2006
- Oath or Declaration filed on 01/04/2006
- Request for Immediate Examination filed on 01/04/2006
- U.S. Basic National Fees filed on 01/04/2006
- Substitute Specification filed on 01/04/2006
- Priority Documents filed on 01/04/2006
- Specification filed on 01/04/2006
- Claims filed on 01/04/2006
- Abstracts filed on 01/04/2006
- Drawings filed on 01/04/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/563,499	PCT/EP04/50765	RECP:112 US